

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

GLENN CRUICKSHANK and ROBIN
CRUICKSHANK,

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Plaintiffs,

*

vs.

CASE NO. 3:06-CV-101 (CDL)

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ELBERT COUNTY, *et al.*

Defendants.

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O R D E R

Presently pending before the Court is Plaintiffs' Motion to Quash Defendant John Henry Washington, Jr., M.D.'s Subpoena for Disability Records to Social Security Administration (Doc. 176). Plaintiff contends that the subpoena should be quashed as untimely because it was issued on February 28, 2008, two weeks after the close of discovery. The Court disagrees and denies Plaintiffs' motion.

Defendant Washington propounded interrogatories and document requests on Plaintiffs prior to the close of discovery. In those interrogatories and document requests, Defendant Washington requested information regarding benefits paid to Plaintiffs because of Mr. Cruickshank's injuries at issue in this case. Mr. Cruickshank responded in his discovery responses and his deposition that he had been denied Social Security disability benefits. Defendant Washington learned "toward the end of February 2008" that Mr. Cruickshank had reapplied for Social Security disability benefits, and Defendant Washington therefore sought to obtain updated records

on the matter so that the records would be available for trial. This is not new discovery that would violate the Court's scheduling order, and the purpose of the discovery deadline set by the Court is not thwarted by permitting Defendant Washington to obtain from a third party updated records regarding a matter previously disclosed by Plaintiffs in discovery. Furthermore, the Court notes that Plaintiffs have a duty to supplement their discovery responses if they learn "that in some material respect the disclosure or response is incomplete or incorrect." Fed. R. Civ. P. 26(e)(1). Accordingly, Plaintiffs' Motion to Quash (Doc. 176) is denied.

IT IS SO ORDERED, this _22nd day of April, 2008.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE